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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,999	03/10/2004	Lev M. Bolotin	1015-007.D1	5157

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EXAMINER

NICHOLSON III, LESLIE AUGUST

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,999

Applicant(s)

BOLOTIN, LEV M.

Examiner

Leslie A. Nicholson III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/10/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/10/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is a first action on the merits of application 10/797999.

Claim Objections

2. Claims 2-10 and 12-22 are objected to because of the following informalities:
 - While each claim has been renumbered, the dependency of each claim was overlooked. For example, claim 2 should depend on claim 1, not claim 11.
 - There appears to be a typographical error in line 6 of claim 1. Is the intended word "positionably"?
 - There appears to be a typographical error in line 4 of claim 2. It is an incomplete sentence.
 - In each claim that it is recited, "in line" should instead be "in-line". For example, line 4 of claim 3.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 4, the wording (lines 6-7 of the claim) makes it unclear. Does this mean the linear row of the programming system and linear row of the input feeder are collinear? The claim should be reworded.

Regarding each of claims 1-22, the structure means for the capability has not been positively recited (see ¶10).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-22 (see ¶2,10), as best understood by the examiner (see ¶4), are rejected under 35 U.S.C. 102(a) as being anticipated by prior art in the instant application.

Regarding claim 1, the prior art in the instant application discloses a similar micro device assembly system programming system (30) usable with a micro device using assembly system (31) having a control system and a robotic handling system (40) (P7/L30-34), comprising:

- An input feeder (34)
- The programming system adjacent to the input feeder (fig.2)
- The programming system having a plurality of in line sockets (P7/L5-7, 18-20)

Regarding claim 2, the prior art in the instant application further discloses a

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handling system operatively associated with the input feeder and the programming system (P7/L24-29) (fig.2).

Regarding claim 3, the prior art in the instant application further discloses the programming system wherein the programming system has the plurality of in line sockets parallel to the linear row of micro devices provided by the input feeder (P7/L18-20, 24-29) (fig.2).

Regarding claim 4, the prior art in the instant application further discloses the programming system wherein the input feeder and the programming system are collinear with the linear row of the input feeder collinear with the linear row of the programming system (P7/L18-20, 24-29) (fig.2).

Regarding claim 5, the prior art in the instant application further discloses the programming system including a transfer mechanism operatively associated with the programming system (P4/L1-2) (fig.2).

Regarding claim 9, the prior art in the instant application further discloses the programming system including a second input feeder (36).

Regarding claim 11, the prior art in the instant application further discloses a micro device using assembly system comprising:

- A longitudinally extending conveyor system (48)
- A control system (P6/L30-34)
- The sockets in line parallel with the depth of the input feeder (fig.2)

Regarding claim 13, the prior art in the instant application further discloses a micro

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device using assembly system wherein the programming system has the plurality of in line sockets perpendicular to the conveyor system (fig.2).

Regarding claim 19, the prior art in the instant application further discloses a micro device using assembly system including a second input feeder having a width, a height, and a depth greater than the width, having its depth perpendicular to and offset from the longitudinal length of the conveyor system (fig.2).

Regarding claim 21, the prior art in the instant application further discloses a micro device using assembly system including a reject area (26).

Regarding claim 22, the prior art in the instant application further discloses a micro device using assembly system wherein the input feeder is selected from a group of input feeder sources consisting of a tape and reel, a tray, tray stacker, tube, tube stacker, and a combination thereof (P7/L20-23).

Examiner's Note

10. The applicant appears to be attempting to use means plus function in claim 1-22. Does the applicant intend to invoke 35 USC 112 6th paragraph? The examiner has construed this claim as to not invoking 35 USC 112 6th paragraph. See MPEP 2114 and 2181.

According to page 6 lines 18-20 of the specification, the programming system 10 of figure 1 feeds assembly system 31 via feeder 34. Input feeder 14 can also serve in place of feeder 34 as meeting claim limitations.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

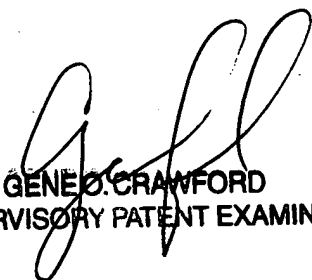
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L.N.
11/30/2005


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER